

REPLY UNDER 37 CFR 1.116 –

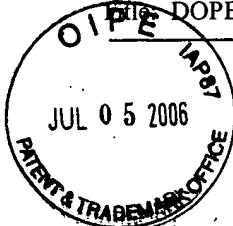
EXPEDITED PROCEDURE – TECHNOLOGY CENTER 2800

Serial No. 10/808,189

DOPED ALUMINUM OXIDE DIELECTRICS

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Attorney Docket No. 400.085US03



REMARKS

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 18, 3-5, 12-17, 19, 23, 24 and 25

Claims 1, 18, 3-5, 12-17, 19, 23, 24 and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Park et al. (U.S. Publication 2001/0024860). Applicant respectfully traverses.

The Advisory Action states, “In response to the arguments in the paragraphs on pages 2-4 of the response dated 06/05/06, it is submitted that the rejected claims as written do not require ALL of dopant material below the surface is confined ONLY to the pores as presently argued.” Advisory Action, page 2, *Response to Arguments* (emphasis in original). Applicant disagrees with this interpretation. Applicant notes that in the claims as written, it is the presence of dopant material that is confined to the pores. Applicant contends, therefore, that if dopant material is placed in structures other than pores, its presence cannot be confined to the pores.

The Final Office Action asserted, “Park et al. teach the dopants below the surface of the aluminum oxide layer are filling or moving into the pores or vacancies or voids or are confined to the pores or vacancies or voids.” Final Office Action, page 2, third paragraph from bottom. If Park et al. teaches dopant material to be present in voids and pores as admitted by the Office, its presence cannot be confined to pores as required by Applicant’s claims. Thus, Applicant submits that the Park et al. reference is in direct conflict with the limitations of Applicant’s claims and cannot, therefore, teach or suggest each and every limitation of such claims.

Claims 1 and 18 each recite, in part, “wherein the presence of dopant material below the surface is confined to the pores.” As noted above, Applicant submits that the cited reference teaches away from at least this limitation and that claims 1 and 18 are patentably distinct from the cited reference as a result. As claims 3-5 and 12-17 depend from and further define patentably distinct claim 1, and claims 19 and 23-25 depend from and further define patentably distinct claim 18, these claims are also believed to be allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 1, 18, 3-5, 12-17, 19, 23, 24 and 25.

Claims 26, 28-30, 37-40 and 42

Claims 26, 28-30, 37-40 and 42 were rejected under 35 U.S.C. § 102(e) as being anticipated by Park et al. Applicant respectfully traverses.

Claim 26 recites, in part, “wherein the presence of dopant material below the surface is confined to the pores.” As noted with respect to claims 1 and 18, the Office Action admits that dopant material is present below the surface of Park et al.’s aluminum oxide layer in structures precluded by Applicant’s claim language, i.e., dopant material contained in voids below the surface is inconsistent and contrary to Applicant’s requirement that presence of such dopant material be confined to its pores. Thus, Applicant submits that the reference expressly teaches away from the limitations of Applicant’s claim 26. As claims 28-30, 37-40 and 42 depend from and further define patentably distinct claim 26, these claims are also believed to be allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 26, 28-30, 37-40 and 42.

Claim Rejections Under 35 U.S.C. § 103

Claims 6-7, 8-11, 20-21 and 22

Claims 6-7, 8-11, 20-21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. Applicant respectfully traverses.

Applicant contends that it has shown claims 1 and 18 to be patentably distinct from Park et al. The taking of official notice in the Final Office Action mailed October 17, 2005, taken either alone or in combination with Park et al., fails to overcome the deficiencies of the Park et al. reference with respect to claims 1 and 18. As claims 6-7 and 8-11 depend from and further define patentably distinct claim 1, and claims 20-21 and 22 depend from and further define patentably distinct claim 18, these claims are also believed to be allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 6-8, 8-11, 20-21 and 22.

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Claims 31, 32, 33-36, 41 and 43-45

Claims 31, 32, 33-36, 41 and 43-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. Applicant respectfully traverses.

Applicant contends that it has shown claim 26 to be patentably distinct from Park et al. The taking of official notice and the inclusion of Weldon et al. as presented in the Final Office Action mailed October 17, 2005, taken either alone or in combination with Park et al., fail to overcome the deficiencies of the Park et al. reference with respect to claim 26. As claims 31, 32, 33-36, 41 and 43-45 depend from and further define patentably distinct claim 26, these claims are also believed to be allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 31, 32, 33-36, 41 and 43-45.

Allowable Subject Matter

Applicant acknowledges that claims 2, 27 and 88-107 were indicated as being allowed.

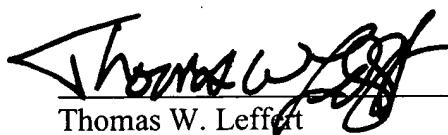
CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

Date: 5 Jul 06



Thomas W. Leffert
Reg. No. 40,697

Attorneys for Applicant
Leffert Jay & Polglaze
P.O. Box 581009
Minneapolis, MN 55458-1009
T 612 312-2200
F 612 312-2250